

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN L. CORRIGAN,

Plaintiff,

v.

FRED C. PFLANZ, JUDGE A. HILLE,  
SHERIFF D. BARGER, DEPUTY  
PROSECUTOR B. SCUDDER, ADAMS  
COUNTY, and PAUL L. KIRKPATRICK,

Defendants.

NO. CV-08-0333-EFS

**ORDER DENYING PLAINTIFF'S  
MOTION FOR CHANGE OF VENUE  
AND DENYING AS MOOT  
PLAINTIFF'S MOTION TO RECUSE**

Before the Court, without oral argument, are Plaintiff John L. Corrigan's Motion to Recuse Judge Robert W. Whaley ([Ct. Rec. 15](#)) and Motion for Change of Venue ([Ct. Rec. 18](#)). After reviewing the submitted materials and relevant authority, the Court is fully informed. For the reasons given below, the Court denies as moot Plaintiff's recusal motion and denies with leave to renew Plaintiff's Motion for Change of Venue.

**A. Plaintiff's Motion to Recuse Judge Robert W. Whaley**

Plaintiff filed this action on October 23, 2008; Judge Whaley was assigned to the case. On January 23, 2009, Judge Whaley signed an Order recusing himself from this action. ([Ct. Rec. 13.](#)) Plaintiff apparently did not receive the Order prior to filing the motion seeking recusal of Judge Whaley on January 27, 2009. Because Judge Whaley is no longer assigned to this case, Plaintiff's recusal motion is denied as moot.

1 **B. Plaintiff's Motion for Change of Venue**

2 Plaintiff asks the Court to either transfer this action to a  
3 different circuit, transfer the action to a U.S. District Court judge  
4 from a different circuit temporarily sitting in the Eastern District of  
5 Washington, or transfer the case to Western District of Washington Judge  
6 John C. Coughenour. Plaintiff seeks this request because he contends he  
7 cannot receive a fair trial with an Eastern District of Washington judge.

8 This Court has been uninvolved in Plaintiff's prior litigation  
9 proceedings. Plaintiff failed to establish that the convenience of the  
10 parties and witnesses or the interests of justice require assignment to  
11 another judge. 28 U.S.C. § 1404(a). Accordingly, the Court finds  
12 transfer to a judge either outside of this district or temporarily  
13 sitting in this district is unnecessary. However, after the pending  
14 motions to dismiss are resolved, if Plaintiff deems consolidation  
15 appropriate, he may file a motion to consolidate this action with the  
16 action presently before Judge Coughenour.

17 **C. Conclusion**

18 For the reasons given above, **IT IS HEREBY ORDERED:**

19 1. Plaintiff's Motion to Recuse Judge Robert W. Whaley ([Ct. Rec.](#)  
20 [15](#)) is **DENIED AS MOOT**.

21 2. Plaintiff's Motion for Change of Venue ([Ct. Rec. 18](#)) is **DENIED**,  
22 with leave to renew following resolution of the pending motions to  
23 dismiss.

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